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THE ORIGIN OF ZAMINDARI ESTATES IN BENGAL.

THIS paper may at once be described as a short study in the history of the "Permanent Settlement" of Bengal. The administrative and fiscal experiment so denominated is familiar, at least by name, to every reader of Indian history, partly because it necessarily finds a place in any account of the rule of the East India Company in Bengal, partly because it is associated with many (not always reasonable) differences of opinion, and partly, also, because it is understood, in general terms, to have involved the solution of some rather curious economic problems. A concrete illustration of the working of this measure will hardly need any lengthened apology. In order to make such an illustration intelligible, it will be necessary to call to mind exactly what "the settlement" implied; and some of my readers may not object to be reminded, and others to be informed, what it was that Lord Cornwallis did in Bengal in 1793.

For a moment we must go back to the beginning,—to the remote period of the Aryan invasion. The tract of country known in the eighteenth century as "Bengal, Bihar, and Orissa," comprises the eastern end of the great Ganges valley or plain. The northern part was "Bihar," the central and eastern "Bengal"; while "Orissa" meant a south-western portion, now occupied by the district of Midnapore, and including only the upper portion of the east coast province, marked on the maps as "Orissa." The Aryan advance could not have reached this eastern territory till a comparatively long period had elapsed since the tribes first established themselves in "Aryavarta," the tract just east of the Jamna River, whence they gradually extended their dominion,

developing all the while that peculiar system of caste, of social polity, religion, philosophy, and law, which we distinguish as Hindu. In modern Bengal the lower orders of the agricultural population at the present day are very largely of the aboriginal *i.e.*, non-Aryan stock. Even the middle castes are of a mixed and much altered race. The purer Aryan or Hindu type is represented by a limited upper social crust, a ruling and everywhere dominant element. The effect of their first domination was to cover the land with a network of kingdoms and chiefships,—small as kingdoms, but in fact comprising considerable areas of land,—each including many hundreds of villages. The Brahman (or priestly) caste converted the whole country, and made it subservient to their system. It became respectable to be in some “caste,” however lowly; for below the humblest castemen there are still many “outcaste” races. The military (or Kshatriyā) caste furnished the rulers and chiefs.

For many centuries the Hindu Rajas reigned apparently without oppressing the people, collecting their chief revenue in the form of a share in the grain produce of the land. The subjects who raised the rice and other crops which yielded this revenue were of various agricultural castes; and their holdings were (as usual in level open countries) aggregated in limited groups, which appear to have been of a simple character. There was no joint ownership or holding in common. The “villages” were groups of independent cultivators, descendants of the first clearers of the soil, held together by locality and by common submission to a hereditary headman. Each village had also its own staff of menials and artisans, who furnished all the simple wants of daily life in complete independence of neighboring townships or villages. There were none of those more strongly organized “joint” or landlord villages in which some dominant family or some section of a conquering tribe claims the

whole village as a unit estate enjoyed in certain definite shares. There is some reason to believe that in Bihar families (of the Bābhan caste) had at one time obtained the dominion of villages, and held them in this way, but not in Bengal. Perhaps the local Rajas and chiefs did not make many grants which enabled superior families to become landlords of villages. Adventurers were not allowed to make petty conquests and settlements, and the Rajas seem to have maintained a conservative and direct rule over the cultivators. There is no reason to believe that the older Hindu law or polity sanctioned the idea that the king or chief was owner of the soil. Even if called so in the language of Oriental adulation, he did not interfere with the people; and he only appears as taking a share in the produce (fixed by custom at one-sixth, but often raised in times of necessity). He was entitled to levy other customary tolls and taxes, as well as to require certain supplies of food, wood, and fodder. From the earliest times the Raja had also the undisputed right of disposing of unoccupied waste and forest land.

In the fourteenth century of our era the Hindu chiefs were subdued under the Muhammadan kingdom of Bengal, one of the products of the earlier Pathan invasions of India. But this change did not directly affect village life or tenures, except by the occasional and local grant of villages (*i.e.*, of the royal rights in them). When the old Hindu ruler had been slain in battle or driven out, the direct revenue administration simply passed to the Moslem officials. We know that in the fourteenth century the revenue was still taken in kind, though the demand was raised (at least nominally) to one-half the produce. But, as a matter of fact, a number of Rajas and chiefs submitted, and were allowed to take the place of dependent nobles in the Moslem kingdom. In fact, the conquerors were only too glad to conciliate them. It was eminently politic to leave them in the

management of the internal affairs of their former kingdoms, allowing them to retain the state and title of Raja on condition of their passing on a share of the revenue to the treasury,—a share which in the course of time was converted into a money payment.

Like other Oriental dynasties, the Bengal royal houses gradually waxed weaker. There was some recovery under Sher Shah, but the complete success of the Mughal dynasty at Delhi in the sixteenth century put an end at last to the independent kingdom of Bengal. The Mughal conqueror had neither racial connection nor actual sympathy with the earlier Pathan moslems. Bengal became a “*Sūba*” or great province of the Mughal empire, and so remained, in varying degrees of dependence, till the close of the eighteenth century. Akbar took the supreme rule (1576 A.D.), and a few years later the revenue of Bengal was roughly settled by a cash assessment. For many years afterwards the amounts then fixed were observed, and formed the basis on which subsequent rulers proceeded to enhance the rates or to assess newly acquired territories. The last formal settlement was in 1722 A.D. After that, almost yearly changes were made by demand of extra cesses, but there was no new “settlement.”

The Mughal empire, however, like all others, in its turn suffered decline; and its effective control over the more distant provinces grew weak. The process may be said to have begun during the last half of Aurangzeb's long reign (A.D. 1658–1707). That unfortunate, if able, monarch was then moved by his evil genius to devote his personal energies to the conquest of the remaining kingdoms of the Dakhan, or southern division of India, a country which nature had separated from “Hindustan” by the hill country of the Vindhya, that great network of ranges which runs across the middle of India on either side of the Narbadā River. In those days of difficult

communication, when the headquarters were removed from Agra or Delhi, the emperor's control over the further extremities of the Ganges plain inevitably became somewhat relaxed. The revenues of Bengal had been revised and considerably increased in 1658, under Sultān Shuja', one of the brothers of Aurangzeb, whom the latter had defeated and put to flight. Special arrangements had to be made during the emperor's absence from his capital; and it is understood that what I may at once call the "farming system" of the Bengal revenues was much extended during the latter years of this reign, though it only became universal in 1713. The number of districts for which there were hereditary territorial Rajas and chiefs, such as I have mentioned, was not large; and it was necessary in many places to employ revenue officials, local capitalists, and others, to be responsible for fixed sums from the different districts. The size of the "estates" let in farm in this way varied from a great territory to the small revenue subdivision known as a "pargana." But many of the more successful "farmers," as we shall see, managed to aggregate several smaller farms in their own hands; and estates of very large size were thus built up. Farming of single villages, which was so common in other parts, does not seem to have ever been in favor in Bengal.

District revenue farming having once become an established and universal practice, it seemed to take root in the soil of Bengal, and practically remained unbroken till British rule began. The direct effect of "farming" was gradually to withdraw from the villages such measure of protection as the supervision of the State revenue officers of the districts had been wont to give. In early times the government accounts contained detailed lists of all villages; and the revenue payment from each, according to the last regular assessment, could be checked. There was a hierarchy of officials, from the village accountant

(Patwāri) to the subdivision officer (‘Āmil), and from him to the district and provincial authorities. Under the farming system all this detail became unnecessary. The treasury officials henceforth only cared for the comparatively short list of “estates” and the total due from each. The local officials were soon completely atrophied or turned into the mere creatures of the “farmers.” They neither could nor would exercise any control over their proceedings. If the farmer raised the demand on the villages or committed extortion on his own account, no one cared. Had a local officer attempted to interfere, he would have failed: the farmer would have had his excuses ready; and the treasury, looking only to the safety of the stipulated total sum, would have sided with the farmer rather than with the officer. I do not mean to give the impression that this abandonment of control came about all at once. When the “farmers” were first employed, the conditions were strict: regular warrants of appointment were issued, and were backed by a recognizance signed by the farmer, accepting various duties and responsibilities.* He was bound to keep detailed accounts, showing the whole of his collections, paying in about nine-tenths and keeping one-tenth (besides certain other allowances of land held free). And these accounts were at first well scrutinized.

The tributary Rajas and other territorial magnates of greater importance were, however, always more or less exempted from this control; and, as others grew in wealth and importance, they were increasingly left alone. And, though the warrants (*sanad*) were still issued, the matter became very much one of bargain for a fixed sum, and no questions asked as to how it was raised or how much more the farmer got for himself. In time the distinction

* For the forms, etc., of appointment, see my *Land Systems of British India*, vol. i. p. 511, and Hunter's *Bengal Records*, vol. i. p. 37, ff. The Zamindar was responsible for the peace and security of the district, for the post-office, and for communications, bridges, and embankments (in the flooded districts).

of origin of the different classes of farmers was forgotten, and all were alike spoken of as "*Zamīndār*." The term means "holder of the land," but technically refers to the control of the aggregate of the royal rights in the lands which were made over to the manager against a fixed money payment.

The Zamindars and their agents were naturally brought much closer to the land than the governors or the official classes could be. In fact, they conducted themselves as if they were perpetual lessees of all the State rights. But in the course of time a change had come over the relations of the ruler to the land, which had an important bearing on the growth of the Zamindar's position. I have already mentioned that early Hindu law knew nothing of any claim of the sovereign to be owner of all land; nor indeed does the strict Muhammadan law countenance such a theory. But the result of repeated conquests and of the revolts and assertions of independent rule that make up so large a part of Indian history was that (at an uncertain period) the sovereigns began to claim, and to exercise the claim, to be owners of every acre of land in their dominions. More cannot here be said on the subject. But, certainly by the end of the eighteenth century, every ruler of a kingdom, whether Hindu or Moslem, had established his claim to general ownership, and the claim had stood for some generations at least. And this extended meaning, the "*Zamīndāri*" right of the State, naturally enabled the assignees, or "*Zamindars*," to enlarge their pretensions. They acquired by prescriptive right a control which was virtually that of owner, although no formal assertion could be made that the ruler in assigning the usufruct had parted with the actual ownership.

One further element in the case deserves a word of notice. A large part of every estate consisted of waste land; the Zamindar was undoubtedly entitled to bring this under cultivation, and was not required to increase

his total contract-payment in consequence of so doing. Hence the new cultivated land was virtually his own; and, as he located his own laborers on this new cultivation, they really were his "tenants" on the basis of contract.

In 1765 the East India Company obtained the grant of the civil and revenue administration of "Bengal, Bihār, and Orissa." They were to pay a fixed tribute to the Delhi treasury, to be responsible for all expenditure, and to take the local revenue. When the British officers assumed the task of administration, they found the whole country—that is, the settled and cultivated districts—divided up into "Zamindāris" of one kind or another. The villages had become mere bodies of tenants under the Zamindars: all effective independent right of the communities had long disappeared. It is not surprising that the officials of a mercantile company were at first unable to deal effectively with such a state of affairs. Their staff was organized on a commercial footing; and they could do no more than try to supervise the native system, and gradually improve their position, changing, in fact, from "writers" and "merchants" to district officers and governors. But the native system was so rotten that as early as 1772 an attempt at direct administration had to be made. Still, "farming" the revenue in one form or other was the only possible plan. Attempts were made now to fix quinquennial terms, now to have annual contracts. But this, though promising a more direct control over the farmers, proved a source of injustice. No discrimination was possible, except in a few cases, between the real hereditary "Zamindars" and the other classes. Many of the former would not consent to take the place of mere annual contractors with no other rights beyond what their contract gave them; and many persons who for generations had acquired rights, however ill defined, were consequently ousted altogether.

When the Company's charter had to be renewed (every twenty years), the statute book shows that the renewal was accompanied by an act of Parliament intended to introduce reforms and to guarantee good government. The first act of this kind which attempted seriously to deal with the land question in Bengal was Pitt's India act of 1784 (24 Geo. III.). By this time the authorities in India had made some progress in organizing their official staff; and, in particular, there had been a useful reconstruction by which the Bengal "Board of Revenue" had been separated from the general Executive Council. Corresponding changes in the district administrative staff had been made. A good deal might be said about the act of 1784, and what it was really intended to do,—a matter which has often been misunderstood. Here I must be content shortly to say that the result was the sending out of Lord Cornwallis as governor-general, with John Shore as his adviser. They sailed in 1786,* with a detailed despatch (dated April 12, 1786) giving instructions as to how the act was to be carried out. The instructions were to devise a system which should be "permanent"; that is, not liable to annual or quinquennial changes. And, though a suggestion was made that a "perpetual" assessment was to be desired, it was ordered that at first a "settlement" for ten years should be made. At the same time justice was to be done by an inquiry into the true position and rights of the Zamindars, so that those who had been ousted unfairly might be restored.

Had the "land revenue" been a mere tax, so much per acre of land according to value, the task of assessing it would have been a purely fiscal one. It could have been

* Sir John Shore, afterwards Lord Teignmouth, and himself governor-general in succession to Lord Cornwallis, became president of the Board of Revenue, and applied himself to a study of the Bengal revenue system. He acquired as real an insight into it as was possible in those days. His Minutes of 1788-89 are masterpieces of detailed research and clear exposition.

accomplished without any reference to the legal position or the rights of the people who held the land. But such a view of the matter was impossible under the circumstances. No kind of maps or survey data existed: the area of the cultivated land could only be guessed at; and even the boundaries of the Zamindari estates were only described in words, and that in the vaguest manner. It is doubtful whether in the palmy days of Mughal rule more than a very rough and partial measurement of village lands had been made (*circa* 1582 A.D.). Such a record could be of little value, even if it had been much more detailed than it was, after two hundred years had elapsed, when the area had increased by subsequent acquisitions, and the revenue itself had been much raised. It was obvious, under the circumstances, that it would be useless to fix the revenue demand without determining what persons were to be held responsible for it, and what legal position the payers were to have, since under any organized system of government no one could be responsible for the revenue without a definite understanding of his powers and position in relation to the land and to the subordinate landholders from whom the amounts must ultimately be raised. In short, it was necessary to find the proper engagees first, and then discuss with them the amount to be paid. No other basis of assessment was possible, in the absence of a survey and valuation of lands, than a consideration of the average amount of past collections. And then, under this new system, it was evident that the Zamindars would no longer be required to manage the police or to pay pensions or control the excise and other such matters, so that very considerable adjustments of the payments from each farm and the deductions to be made, would be requisite.

By this time, even if the Act and the executive despatch had been less explicit than they were, no doubt could be entertained that the Zamindars were the proper persons,

in most cases, to make the settlement with. But how was their legal position to be defined? The government found itself the legal successor of the native power, and *de facto* paramount owner of the soil. It is probable that Lord Cornwallis and his advisers believed, further, that the State right was not only *de facto*, but also *de jure*. If government, then, was the owner, the Zamindar was not; and what should he be called? Lord Cornwallis had no difficulty in coming to the determination that the government should not retain the right to cultivated or occupied land. This he did, not on historic or legal grounds, but as a matter of public policy. The Zamindars (with other minor holders in a similar position) seemed to be the only possible candidates for the grant of the landlord title. This, however, raised a controversy, because the various origins of the whole class of Zamindars had become forgotten. Some writers asserted that all alike were official appointments connected with the farming of the revenue: others insisted on the hereditary character of some of them, and their long connection with the soil as Rajas. Both sides generalized from the particular facts to which they directed their attention, and extended their views to cover the whole case.* There can hardly be any doubt that, if existing conditions required the selection of "landlords" to take over the ownership of which the government wished to divest itself, the Zamindars had the best claim. Although theoretically this claim was more historical and real in the case of the old Rajas, like Bishnupur and others, who, though not

* It is curious to notice how the late M. de Laveleye (*Propriété Primitive*, p. 117) represents the matter. Not only does he generalize in one the whole class of Bengal landlords, but he treats the case as one with that of the Oudh Talukdar landlords; and he speaks of a single *article de loi* under which, as he supposes, by a few strokes of the legislative pen, revenue-farmers were turned into landlords. Yet the Oudh Talukdars were not dealt with till sixty-five years after the Permanent Settlement, in a different province, and under a wholly different law, and at a time when the policy was completely changed, and officials were extremely anxious to deal with the villages direct.

territorial chiefs, had yet enjoyed a very long possession, it was equally true that a practical prescription of some generations could be asserted in favor of the local men of wealth, and even of the hereditary officials who had long been employed as Zamindars.

One of the points that I shall hope to illustrate presently is how these great men who were *not* originally territorial rulers grew up and acquired estates. But, assuming the claims of the Zamindars, the difficulty was by no means at an end; for what was to be the position of the village cultivators? When once the government began to determine the difficult question of private rights in the soil,* it was clearly necessary to determine the question all through,—to deal both with the superior and the subordinate right. Lord Cornwallis's proclamation of 1793 vests the landlord right in the Zamindars and other "actual proprietors," and it is sometimes supposed that the question of inferior rights was shirked. But there was nothing of the kind. The law dealt first with certain subordinate holders and managers and grantees on fixed rentals, some of whom were, or ought to be, independent of the Zamindars. These were all made direct landlords or proprietors, and the class need not engage our attention further. When the grade of actual village cultivators was reached, there was no intention of leaving them unprotected; but the authorities did not really know what was necessary. They thought they were

*Indeed, this necessity could not long have been evaded under any method of treatment. If government had retained its own paramount ownership of the soil, the rights of the Zamindars (whatever they were) could never have been settled by the courts of law; for no analogy or legal principle could have been found to guide their decision. Legislation alone could have solved the difficulty. When, on the other hand, government resolved to renounce the ownership, it obviously was incumbent on it to say to whom the ownership was transferred or who was to be recognized as enjoying it. No one could have thought in those days of restoring the village cultivators to a full proprietary or independent position which had been lost for generations; nor is it probable that any system of management such as is now in use in Southern India would have been successful or even possible.

taking practical and sufficient action by doing two things. First, they enacted by law that the landlords must give the village "tenants" definite written "pottahs," specifying what the rent was; and they prohibited under severe penalty the exaction of anything more, declaring their conviction that the tenants would then be perfectly safe.* The landlords, they supposed, grateful for the benefits secured to them, would in their turn foster their tenants, and feel it their own best policy to extend the favors they had received, to them. And, second, government reserved the power at any time to make laws and regulations to protect the rights of the tenants.

It would be impossible here even to indicate the reasons why the first measure proved altogether illusory; but it may be mentioned that the root of the whole difficulty was that government never definitely determined whether the Zamindars could or could not enhance the cultivator's payments, which now became the "rent" payable to the middlemen landlords. In some cases of privileged tenancy the matter was obvious; but as regards the whole class of resident villagers not located by the Zamindar himself, there was much doubt. Out of the second reservation arose the possibility of the subsequent tenant legislation of 1859 and 1885.

* The vernacular term "pottah" (*pattā*) is the best, for nothing exactly like it exists under Western law. It was not a lease: it was rather a note of the amount of rent and other terms of tenure, which did not necessarily *create the title to hold*, as a lease does.

It will be remembered that in Bengal (and in other parts of India) the favorite method of getting an increase was not openly to raise the rate, but to levy an extra cess (*abwāb*), on one pretext or another; and this, once imposed, was never taken off. The old government had adopted this plan with the Zamindars themselves. Thus, when the Marathas threatened Bengal, the government imposed a cess, called "Chauth-Marhatta," to meet the composition they had to pay for immunity from attack. The Zamindars followed the example by not only demanding the amount from their tenants, but adding many like "cesses" for their own benefit. See my *Land Systems*, vol. i. p. 419, for detailed examples of the curious and varied pretexts on which these cesses were levied. Each bore its own name, according to the occasion of it (real or fancied).

Thus the "Permanent Settlement" involved several points. (1) The abandonment (locally) by the State of its ownership of the soil. (2) The conferment of the proprietorship, subject to whatever necessary restrictions, on some persons held best entitled on the ground of long prescriptive possession, however obtained originally. (3) The protection of the cultivating classes under the landlords. (4) The adjustment of the amount of the revenue payable annually in certain instalments by the landlords, and the powers of the State to secure itself from default in the payments. (5) Lastly, there was the question, For how long should the assessment hold good? It is in consequence of this variety of the necessary operations that several interesting points have arisen concerning land taxation, tenant right, and other matters, which have been of value as practical lessons for other parts of India, and are not devoid of interest in other countries.

Accounts of this settlement, more or less in detail, are now easily accessible. But they necessarily deal with the subject in the abstract, and refer to the various minutes recorded and to the Regulations.* What, however, is not so common is to find concrete illustrations of the actual growth and origin of estates, and of the effect of the settlement on them. A great deal of light of this kind has been thrown on the subject by the publication of Sir W. W. Hunter's abstracts of the principal correspondence of the Board of Revenue during the first twenty-five years after its organization in 1781. But the use of such materials is almost confined to those who can obtain access to the entire documents or who have local knowledge suffi-

*Up to 1834 the enactments of the Calcutta legislature were officially called "Regulations." Thus the law of the Permanent Settlement is contained in Regulations I. of 1793 and VIII. of the same year, with, of course, many other subsidiary enactments.

cient to enable them to understand the abstract. It happened, however, that in the years immediately following the settlement the government formed a plan of collecting statistical information about the condition of the country and its inhabitants, and about the climate, crops, and natural productions of the several districts. Dr. Buchanan-Hamilton* was a medical officer in the service of the government; and in those days—indeed, long after—the medical officers were the only people who had any knowledge of botany and other natural sciences, such as was requisite in drawing up the reports contemplated. He had made in 1800–1, a tour over Mysore, Malabar, and the Southern Presidency, the narrative of which was published in London (3 vols., 1807). In 1807 and following years he submitted reports on the Bengal districts, and twenty-five folio volumes of manuscript still remain in the India Office. They have been made use of in various early works on India, but were never printed *in extenso*. In 1832 arrangements were made to print some of the reports, from the Calcutta Office copy, in a magazine issued in connection with the Asiatic Society of Bengal. Only one volume appeared, in 1838, relating to the district of Dinājpur.† Having had occasion to go through this in some detail, I was struck by the light it threw on three rather interesting topics: the origin of (one class of) “Zamindar’s” estates; the nature of the assessment and its effects; and, third, the condition of the “tenants” within ten years after the confirmation of the settlement. Dr. Hamilton was not acquainted with the details of the regulation law or the revenue procedure. He was, however, a shrewd and, on the whole, an accurate as well as a careful observer; and

* He was first known as Buchanan, but afterwards took the name of Hamilton. I refer to him by the latter name for the sake of brevity.

† A district in Central Bengal lying some way almost due north of Calcutta between 24° and 26° north latitude.

the absence of technical knowledge on his part renders his recorded observations all the more interesting, as showing the facts uncolored by reference to official and professional views. He knew nothing of land tenures or their history, and approached the subject entirely from the point of view common at the time. The existence of a landlord, and the idea that every one cultivating the fields under such a landlord must be a contract-tenant pure and simple,—this appears to him the natural and necessary order of things, as it would to most English writers of the eighteenth and early nineteenth centuries. Dr. Hamilton is no opponent of the form of settlement adopted. He has no prejudices against the “Zamindar” class. He finds them lamentably deficient, but he finds equal fault with the tenants. He discusses no abstract principles, and has none of that partisan spirit which seems to take possession of some of our early writers on land questions. He simply notes what he observed, and comments on it. His account of the Dinajpur estates is, then, trustworthy and instructive.

Sir W. Hunter has, I think, fairly satisfactorily grouped the Zamindars under four heads of origin.* (1) There were the old territorial Rajas, who had once been independent rulers, had been recognized as tributary chiefs under the Moslem rule, and, by the gradual growth of the claims of the rulers and chiefs on the soil, had become virtual landlords. Their interest, in fact, dated back before the Mughal conquest in 1576. (2) There were great landholders, some of whom had acquired the title of Raja. Indeed, some of them were chiefs or rulers of their territories, only of less ancient date than the first class. (3) There were real “farmers,” who were allowed to manage tracts of country from father to son, so that they had a distinctly hereditary position, and had held

* *Bengal Records*, vol. i. p. 31.

for some generations (at least for nearly a century). (4) There were modern farmers and managers under the British government since 1765, but who had in some instances a continuous prescriptive position up to 1793.

It is the second class that the Dinajpur district illustrates, or perhaps the third; for it is not easy to draw a definite line between the two. The district was found to be divided into a number of local areas separately named, and called "parganas." I cannot discover the origin of this, except that it does not (positively) appear that they were the areas of which different tribes or clans had once taken possession.* And in Hamilton's time these parganas were closely connected with revenue-farming. As one person would farm one, two, or more, and then sell or partition them, the number was liable to change. There were ninety-eight parganas in 1807. As the local names are of no interest to the non-Indian reader, I will allude to them where necessary by the serial number they bear on the list. Out of this total number, sixty-one belonged at the date of the settlement to one Dinajpur estate, which thus covered the larger part, but not the whole, of the district. The estate and the family that possessed it were the growth apparently of about a century and a quarter before the settlement.†

Somewhere about 1660 a person named Kāsi obtained the farm of the revenues of six parganas. Nothing is known of this person except that he was a Brahman. It is not suggested that he had any hereditary land in the place. His widow was allowed to succeed him, and then some friend of hers, for whom she solicited the appoint-

* Which is a common origin of such divisions in other parts of Northern India.

† This is instructive, because we are continually hearing of the supposed antiquity of tenures, and about lands "held for ninety generations," and the like. As Dr. Hamilton remarks, "From the total want of history among the Hindus, any custom which has obtained for a hundred years comes to them with its origin as obscure as if it had been a thousand."

ment from Srimanta, the "Chief Kanungo" of Bengal.* After this the official thought he would like the farm himself, and took possession. On his death his son succeeded jointly with an adopted son. This shows that either the "Zamindari" was already hereditary (this must have been during Aurangzeb's reign) or that the office of Kanungo was. The adopted son (Sukhdev by name) was the energetic one of the family. He added to the estate by becoming manager or agent for a neighboring Zamindar, and, on the death of this person, annexing the estate. He now applied for and received the title of "Raja." His son Prān-nāth continued the work of expanding the estate, and under him or his near successors the whole of the parganas of the farm were got together. "He lived in great splendor, and was a very great oppressor in his neighborhood, seizing on all the small Zamindaris near him, partly by force, partly by corruption." Inscriptions bearing his name from 1704 to 1733 A.D. are found. He had no son, but adopted one Rāmnāth. This person continued the same course, and had such a number of followers that the governor (Subadār) of Bengal treated him with great leniency, and gave him the title of "Maharaja." He was allowed to farm the land-revenue of the whole district for the very low sum of 463,000 rupees annually.† He lived till A.D. 1754. The family was now titled, so they adopted the rule of primogeniture; and the eldest son in future succeeded alone to the title and estate.

A rapid sketch of the steps in the acquisition of the parganas which constituted the estate may now be given.

* *Kanungo* (or *Qanungo*) means one who declares (*go*) the rule (*qānun* = *canon*) in revenue matters. He knows the rules and practice, and supervises the accountants and petty officers. There was one in each district, and a chief officer over the whole province.

† See Mr. Grant's *Analysis of the Finances of Bengal*, printed in the *Fifth Report on the Affairs of the East India Company* (presented to Parliament 1812). Reprint of 1883, vol. i. p. 261. For some subsequent (small) increases, see *ibid.*, pp. 296, 320.

The numbers 1-6 were the original grant to Kāsi, as above stated. No particulars of numbers 7-28 were known. Number 29 was purchased. Here we see how a right over the land is beginning to be asserted; for the *office* of farmer could not, in the nature of things, be properly sold. And long afterwards (under the company's government) we find official objection taken to Zamindars selling the lands under their control. Number 30 had been held by a Brahman, on whose death Raja Ramnath had seized the "estate," the relations of the late owner declaring that they had been kept in confinement for many years, and at last had been bought off with a small subsistence pension. Numbers 31 and 32 were said to have belonged to some collateral relations of the chief Qanungo, above mentioned; and the first Raja of Dinajpur forcibly ejected them. Number 33 was only shared (with some other person) by the Dinajpur Zamindar. Number 34 was "acquired," but the way is not stated. Number 35 was seized in war against the chief who held it by the Dinajpur Raja in alliance with another chief. The victors divided the spoils. Then follow several parganas in which only shares had been bought or seized. Then, again, numbers 42-60 formed a large estate of a Khatri* family, which, as so often occurs in the higher families, came to be left without an heir, when the estate was dismembered, and the family of Sukhdev (above mentioned) got a considerable portion. Number 61 was acquired in part by the Dinajpur family standing security for the revenue dues of the owner, and taking the land when he failed to pay. Many of these events must have happened before the actual decline of the Mughal empire, showing how little the outlying provinces, and especially Bengal, were under effective control.

So much for the Dinajpur estate: it came under the settlement in 1786, and was confirmed, like the rest, in

* The trading and banking caste.

1793. In the course of a few years, as is often the case with unwieldy estates, it fell into the hands of bad agents and managers, so that default was made, and the whole was sold for arrears of revenue. The estate was thus broken up. But the descendants of the family still retain a considerable area of land; for they saved a portion of the original property, and afterwards repurchased some of the "lots."

A few words may be added as to the other thirty-seven parganas which belonged to other "Zamindars" of the same origin. One important estate was that of Shām Rai and Rām Rai (brothers) in the "Sirkār" (Muhammadan district) of Tājpur. "Several forts and ruins," says Dr. Hamilton, "attest their former consequence." The estate was divided between two families. The first division descended for some generations to the then (1807) Zamindar, whose education had been neglected, and who had an equally ill-informed estate manager. "They are in the hands of kites who in a few years will probably ruin their affairs." The other division passed to a family who already had other possessions in the east part of the district, and became partitioned among the family.

Another estate was a pargana (number 77) given as a present by the Dinajpur Raja to Ganga Govind-Singha, the diwān* of the East India Company under Warren Hastings. Number 78 formed another estate made up of contributions of land from all the neighboring Zamindaris. Doubtless, this was given as a *douceur* or as hush money for Kantha Babu, private diwan to Warren Hastings. The pargana so made up contained two hundred and forty villages, or "mauza."

Another considerable estate (number 81 with 83 and part of 84) deserves mention, as it originated in a grant of waste land under the Emperor Jahāngīr (A.D. 1605–27),

* A minister of State; or, in private estates, a superintendent or manager, such as would be a land agent in England.

and was gradually established, and then added to.* After some curious transactions, which Dr. Hamilton did not feel sure about, the estate came to be divided between four branch-families. They were Brahmans, but nearly illiterate. "They would be totally destitute of any appearance of literature, had they not been taught by rote a few verses of Songskrito (Sanskrit), and informed of their meaning. . . . They seem to pass their time chiefly in sleeping, eating, picking their teeth, and other such recreations, or in listening to singers and story-tellers, and very rarely go out of the house."

Only one more instance must be cited as illustrating the manners of the time. The parganas numbers 87 and 88 formed part of an immense estate which was granted by the Subadār Ja'fir Khān' (Nawāb, or native governor, of Bengal) to a Brahman who had rendered him an important service; namely, that of treacherously giving up the registrar-general's (Qanungo's) seal, which was in his keeping, and affixing it to certain revenue accounts of the Subadar, which the chief Qanungo had refused to pass. It will be observed from this that in Ja'fir Khan's time (A.D. 1704-25) the governor of Bengal was still in some awe of the head of the revenue officials, who could report to the imperial treasury at Delhi.

Such an origin for landlord estates as these examples indicate is by no means uncommon, and is certainly not confined to Dinajpur. But, after a century, irregularities, and even violence and fraud, are forgotten, and a prescriptive title in the hands of the present holder is all that appears. In 1793 the Dinajpur Raja was probably a wealthy and dignified person, quite ignorant of the deeds of his predecessors; and, just as probably, he would have been ready to assert that his ancestors had held the land from

*Here, of course, there would be a good foundation for a real proprietary title, as the waste always belonged to the State (whatever other land did); and, being uncultivated, it was free for the grantee to own and to settle his own (contract) tenants on.

time immemorial. It is quite clear, indeed, that many years before 1793 the virtually landlord character of the "Zamindari" had become practically established, and the "estate" was acknowledged as hereditary, and even transferable. Indeed, Dr. Hamilton was told it had been so always; but this is certainly not historically true. From the earlier transactions in the list above given, it is evident that, though a son often succeeded the father, the revenue authorities of those days never hesitated about taking away the "estate," and giving it to any one they pleased. Consistency or respect for legal principle is not to be looked for in the revenue administration of the later days of the empire.

Dr. Hamilton remarks, however, on the then existing "position" of the Zamindars,—*i.e.*, since the Permanent Settlement,—and that "they have been placed exactly on the footing of the landlords of England" (which is far from being legally correct), "except that the land tax is higher; but, then, they are exempt from almost all others." It is interesting also to note that fourteen years after the Permanent Settlement the parties on whom so valuable a source of wealth had been conferred were totally unappreciative of its advantages; and this solely because there was a condition for punctual payment of the land revenue, and a stringent law of sale in case of default. It is true that these payments, as fixed by the settlement of 1793, were, just for the time being, higher than what the Zamindars had been obliged to pay to the ill-supported and disorganized native State. "They said," concludes Dr. Hamilton, "that formerly they were allowed great authority, both in criminal and civil causes, over the people whom they managed (which was a great source of emolument, being of course venally administered); and, although they were often squeezed by the Mughal officers, and on all occasions treated with the utmost contempt, they preferred suffering these evils to the mode which has

been adopted,—of selling their lands when they fall into arrears, which is a practice they cannot endure.* Besides, bribery went a great way on most occasions, and they allege that, bribes included, they did not actually pay one-half of what they do now, although nothing can be more moderate than the present assessment, which I am convinced does not amount to a tithe of the produce.”

The last remark naturally leads to the subject of the valuation of the estates, and the mode in which the annual sum (payable in instalments) was determined. The amount, it will be remembered, was ordered to be fixed for ten years; but, when this was done, Lord Cornwallis pressed the home authorities to make the settlement perpetual, and obtained their consent to do so. It was always the rule that, if default was allowed to occur, the Collector would put up such part of the estate as would probably yield the amount to auction sale. I may note, in passing, that it has been a misfortune for Bengal—the rule never obtained in Northern Madras, where there is also a Permanent Settlement—that, when lands under Permanent Settlement are sold for arrears, the purchaser is also entitled to take the estate on the same (permanent) assessment, although he is at liberty to revise the rents of ordinary tenants, being entitled to avoid all such leases and encumbrances created by the defaulter as are not expressly saved by the terms of the law.† It

* The sale laws were from the very first deemed a necessary condition, for the government naturally insisted on punctual payment in return for its own many and valuable concessions. So far as Dinajpur was concerned, the assessment was so easy that no landholder with the slightest pretensions to energy or capacity for management need have been in a moment's danger of not being able to pay his instalments under any ordinary conditions. In other parts of Bengal the revenue was (at first) a full assessment,—as a *permanent* valuation had every reason to be,—but nowhere was it such as could not be punctually discharged. It has since, of course, grown to be extremely light. This was expected and always intended, at least in principle; though the actual rapid growth in the value of land and its produce could hardly have been foreseen.

† Otherwise, of course, a fraudulent person might raise all the money he could, and then purposely default and go off with what he had got, leaving

was, I suppose, at first feared that, if this were not so, no one would be found to bid for the land at the auction. But I see no reason why government, when it revises the sale laws, should not now enact a rule that, if a permanent settled estate has to be sold for arrears, the government will not necessarily grant the purchaser the same assessment, but an equitable one, for such term of years as the ordinary settlement rules allow. Obviously, it would not be possible to touch the Regulation of 1793 as regards its promise of permanency to all the original holders and their descendants and voluntary assigns; but, if the estates are allowed by default to pass away from the natural representative of the original settlement holder, there is no reason why the same terms should be granted to a new-comer. If no one would purchase under such terms, so much the better: let the new settlement be made with the actual cultivator.

But to return to Dinajpur. It is curious how very little information is available for Bengal generally as to the manner in which the assessments were actually made for the ten-year settlement which became permanent. The formal rules are preserved in Colebrooke's *Supplement*; but that work is not easy to obtain, and the rules do not explain much as regards the actual practice. The *Fifth Report* disposes of the whole subject in a few lines.* In most parts there was a record of the former collections, and it was ascertained how much belonged to land-revenue proper, other items, such as toll and tax and excise, being separately dealt with. There were various adjustments to be made, which I must pass by entirely, merely noting that the final result was to fix a lump sum for the whole estate, which was a rough estimate, and, in fact, dependent very much on a kind of bargain. Where,

the land so burdened by mortgages, improper leases, and other obligations as to be worthless.

* Reprint of 1883, vol. i. p. 22.

however, such records did not exist, as in Bihar, the rules directed the produce of land to be considered, and a fraction of its calculated annual value to be taken. This seems to have been done in the form of calculating a rough money rate per bigha (the Bengal bigha is one-third of an acre). Thus, in Dinajpur in 1786, the Collector (Mr. Hatch) counted up the arable lands in the then existing (98) parganas, and, roughly estimating the amount of one-crop or two-crop land in each, and considering the latter as double the value of the former, took out a general valuation rate per bigha. This brought the assessment total to no more than 1,750,000 rupees. The Collector had nothing to guide him in the way of records of former assessments. Dr. Hamilton does not seem to have been aware of what Mr. Grant's *Analysis* informs us; namely, that shortly before British rule the Dinajpur Maharaja had got such influence that he was allowed to farm the *whole district* for 463,000 rupees, or about one-fourth of the very moderate assessment afterwards made by Mr. Hatch. In 1786, it will be remembered, the Dinajpur estate did not cover the whole district; and, of the above-mentioned $17\frac{1}{2}$ lakhs, the Dinajpur *estate* only accounted for $13\frac{1}{2}$ lakhs.*

As to the moderation of the demand (on the whole district) Dr. Hamilton estimates that there were in 1807 some 6,523,500 bighas (2,174,500 acres) paying government revenue: the rental value to the landlords could not be less than 10 anas per bigha, which would come to fully 4,077,190 rupees, or, with a (very moderate) addition for profits from pasture, fruits, etc., 4,100,000.† Of

* The lākh, or "lac," is 100,000 rupees. Dr. Hamilton could not understand why the Dinajpur estate agent complained of being hardly dealt with, because, apparently, he did not know the facts stated in the text. No doubt the assessment was very easy; but the agent could not forget that once they had been allowed to hold at a mere nominal figure, which of course they could not expect to retain forever, but regretted, nevertheless.

† In 1872 the rates of rent varied from 0.12 to 1.2 rupees in the lowest class,

course, the real income by merely decent management and by extending cultivation, could be progressively raised threefold at least. If that is so, the assessment (17½ lakhs) represents less than 5 anas a bigha, which is decidedly low.

Nevertheless, when Dr. Hamilton came to get the actual figures for some lands (which he confesses were very badly managed lands) still held by the Dinajpur estate, he found out why it was that the Zamindars made, or declared they made, so little net profit. The Zamindar in the old days had been obliged to undertake the duty of maintaining a militia, which was to join the army in war, and perform local quasi-police duties at other times; and he obtained large areas of land exempted from revenue payment in order to support this force. Under the Permanent Settlement he was relieved of this obligation; but the militia still lingered on with no specific duty, and ate up the produce of a number of holdings in the estate. It seems incredible that the landlords instead of dismissing the force, providing for it in the regular police, and utilizing the remainder as bailiffs, actually allowed them to remain on in idleness, and entertained another large staff of "barkandāz" employed to carry messages, enforce distrains, collect payments, and the like. For example, the Dinajpur estate (having, as I said, been broken up shortly after the conclusion of the settlement) consisted in 1807 of some 9 parganas. Of these, 8 (that had been repurchased at auction sales) had a rental of 110,000 rupees. But no less than 7,372 bighas were held rent free (which meant a loss of about 5,000 rupees, at a low computation) for the support of a perfectly useless army of 200 "paiks," with 16 inferior and 24 superior officers of the "older militia," besides

and from 6 to 7.2 rupees in the highest, so that even in 1807 an *all-round* rental rate of 10 anas a bigha (1.14 rupees an acre) was very moderate as a basis of estimating profits.

24 recent employees, with 8 petty officers. And, as if this was not enough, 200 "kutwāls," or messengers, were entertained besides. The whole was supervised by a "diwān" on 100 rupees a month (nominally), with 8 assistants at 25 a month each, 40 "writers," and 16 office-keepers.* And yet all this enormous staff could not manage the rent collections. They were supplemented by a number of rent-farmers, who were responsible for certain portions of the estate, on a commission of 4 per cent. No wonder that, after paying the revenue, there was only a profit of about $15\frac{1}{2}$ per cent. on the gross rental. Though even then there would be other profits from "cesses," wild produce, fruit, and so on. This, of course, is rather an extreme case; but many others were not much better.

The estates were also wretchedly mismanaged, because the actual proprietors, or Zamindars, never controlled their agents or farmers, nor attempted to check their villanies; nor did they interest themselves in the tenants, and see whether they were well-to-do or otherwise. "A great part of them," writes Dr. Hamilton, "never pass the threshold of their doors, except to assist at some religious ceremony, and are either sunk in a miserable superstition, a prey to religious mendicants and other idle persons, or are totally abandoned to dissipation; and some are addicted to both vices." There were, of course, exceptions to be found; and then, especially on the smaller estates,† cultivation was good and the profit large.

Dr. Hamilton had evidently no idea that a village organization once existed in Bengal. He speaks quite complacently of the landlords "judiciously" turning out

* Salaries in India are and always have been paid monthly.

† There can hardly be any doubt that, though the wholesale disruption of the great estates of 1793, owing to failure to pay the revenue, was felt as a hardship at the time, the substitution of a vastly increased number of smaller estates was advantageous to the country. The smaller estates were better managed, and modern legislation has greatly improved the position of tenants.

the "mandal," or headman, of villages, and keeping only the "patwāri," or accountant. He regards both as mere local farmers of rents or servants of the landlord, not as hereditary officers, parts of an ancient and once flourishing social system.

I have alluded to the earliest effect of the sale laws in breaking up the originally settled estates when they failed to pay their revenue. The natural result was that a number of new and smaller estates were formed under new landlords. "The greater part of the (present) landholders," wrote Dr. Hamilton, "are now men who have purchased their estates within these few years, and who formerly were either merchants, manufacturers, agents of landholders, or officers of government. . . . By those natives who are not afraid of them, they are called '*lotdār*,' or fellows who have purchased 'lots,' and are held in great contempt; while there is a general clamor against their rapacity and injustice." It was observed, however, that, even if inclined to be hard, they were much better managers than the old family proprietors, who did nothing and cared nothing. Their lands were in general better cultivated, "and the appearance of the people (tenants) not so miserable as on some of the estates that have belonged to one family for some generations."* On the other hand, Dr. Hamilton speaks strongly of the evil effects of excessive subdivision of land, consequent on the law or custom of joint inheritance. Only in titled families does the custom of primogeniture prevail. In all others the estate is divided and again divided at each succession.

At the present day (taking the published statistics of

* The older families, he goes on to say, were more respected; and people would submit with patience to many things from them as a power to which they were accustomed, that would grieve them to endure from a person of whom they knew nothing or whom they once remembered to have been their equal. The new estate holders were nearly always non-resident, partly owing to their unpopularity.

1872) there are 79 parganas, containing 779 estates or holdings. Only one of these is really large,—88,000 acres; and as many as 238 pay less than 100 rupees per annum. The present revenue (owing to changes in the district area) stands at 1,734,000 rupees. It is remarkable that so completely had the various landholders whose origin has been above sketched absorbed all former rights in the soil that Hunter's *Statistical Account** informs us how, with a cultivated area of over two million acres, nearly all tenants are now tenants at will: only about one in five will have rights of occupancy; and "fixed rents" (in perpetuity) are rare. While Dr. Hamilton's account applies to a state of things existing more than eighty years ago, it still has its value for the present day. No doubt many changes have taken place; but the want of personal control, the subjection of the tenantry, and many other evils, still continue, at least locally. A certain number of great landlords, no doubt, set a good example;† but, as a rule, the smaller estates are better managed.

I may conclude with a few remarks on the condition of tenants in Dinajpur. Nothing struck me more than the manner in which the purely tenant position of the cultivators was accepted by Dr. Hamilton. Nowhere does he give the least suggestion of a doubt whether a number of the resident village cultivators, who must have existed when the parganas were bought, sold, seized, and granted in the way he describes, had not independent hereditary rights in the soil antecedent to those of the Zamindars, and based on no kind of contract with them. But, in fact, the position of virtual tenancy, so long as it

* The *Statistical Account of Bengal* in twenty volumes.

† Especially when, during a minority, government officers (under the "Court of Wards") have had charge of the estate for a number of years, during which they have had a complete survey and records prepared and a regular rent settlement, by which the tenants have been contented and the coffers of the estate greatly benefited.

was accompanied by no disturbance of actual possession, had very long been acquiesced in. Nevertheless, Dr. Hamilton mentions the fact that the "tenants" always refused to accept leases which were not "perpetual." I am not sure what he means by this. It has been already explained that, in adjusting the new legal order of rights in land, the government believed that every needful legal security for the subordinate "tenants" would be obtained if only the grant of a written lease, or "pottah" (stating the rent payable), was made compulsory; and I suspect that what the author meant was that many cultivators, being really the old original landholders, refused to take "pottahs," unless worded so as to acknowledge a perpetual tenure, or, at all events, so as not to imply that the holding was terminable after a specified number of years.

It is also remarkable that, as regards rates of rent, though the Zamindars had no hesitation in demanding all sorts of "māngan," or irregular levies and benevolences, they at first admitted, in theory, the principle that the "rent" demandable from the old resident (village) tenants was to be calculated at the same rate as that employed in fixing the amount of the government revenue payable by the landlord.* The agents of the landlords assumed that each tenant-holding contained a certain portion of one-crop and a certain portion of two-crop land, so as to make the rent-rate equal to the Collector's revenue calculation. Under such circumstances the landlord could only (in theory) have made a profit (1) on his own "home farm" lands, (2) on new cultivation, and (3) by miscellaneous levies and profits.

All lands were held either by tenants paying cash rents or by "Ādhiyār" men who cultivated on the terms of giving one-half the gross produce in kind. The latter

* If any proof were needed, the above would show conclusively that the Zamindar was *in origin* not the owner of the soil, but a (perhaps hereditary) ruler or official manager, taking the State dues, and not a contract-rent, from the cultivators.

system, Dr. Hamilton estimates, left them one-quarter the produce to live on. He was astonished that these "metayers" were very poorly off. There were also many landless farm laborers, who were the poorest of all. Small tenancies were the commonest, and above half of the tenants had one or two "ploughs" each.* On clay lands which bore one (rice) crop only in the year, they had only to work for six months, and for the rest of the year went elsewhere as day laborers, or in some other employ in sugar or indigo factories.

The poverty of the smaller tenants was attributed then, as now, to ignorance and improvidence. They never put by a farthing. The moment a man had a little surplus, he spent it in marriage feasts and the like. In consequence, they always had to borrow when the time came to pay rent or to buy seed-grain or plough cattle. They were given loans at heavy interest, or seed-rice in kind at a high price when the harvest was six months distant. They were then "forced to repay in kind just after the harvest, when the market was glutted by every necessitous person rushing to sell his produce at the same time." Very much the same thing happens at the present day, but in a less degree and in a diminishing number of cases. The whole system would have been intolerable, but that the larger farmers and managers were in fact obliged to show some consideration. If the cultivator became seriously discontented, as moving was no trouble to him, he would go off, and was sure to find waste or other land on a neighboring estate. "The village which he left is then for some years unoccupied, until the landlord can find a fugitive of the same kind; and, in general, he must use a good deal of solicitation before he can induce the (tenant) farmer with his dependants to settle."†

* He reckons five acres to "one plough." Three "ploughs" (fifteen acres) is now reckoned a fair but small holding.

† In early times the competition was not for land, but for tenants. At

I mentioned above that, in the case of tenants paying cash rents, the theory was that the rent in old established villages was no more than the government assessment rate. The real profit was there made, whether by a superior tenant or the landlord, in the form of high interest on the advances given in cash or kind, and in extra levies. As to these levies, the landlords generally courted the assistance of the larger farmers, so as to be able to allege their consent to a "cess" being charged all round. "A landlord or his agent assembles his people, and states that he is in want of money to build a house, to perform a pilgrimage, to celebrate some holiday, to marry a son or a daughter, or to alleviate the pecuniary distress in which he is involved, and solicits the assistance of his tenantry. The rich tenants have been previously gained, and give their consent to a general assessment, and the others follow their example rather than quarrel with people on whom they depend; but it is only the poor who pay." Thus, by conciliating a few larger tenants, the poor were kept drained of all the surplus that ought to enable them to buy their own stock and seed, without taking advances and getting into debt.

I cannot follow Dr. Hamilton in his estimate of the cost of cultivating and of the tenant farmer's living; but he shows clearly that the rent did not come to more than one-quarter of the gross produce, and that the farmers besides had the profit of their milk and their "plantation,"—fruit, bamboos, and so on. Still, the humbler classes were so preyed on by the heavy demands of interest on advances and by the exactions, not only of the landlord, as just described, but of his underlings of all sorts also, that they were in the poorest condition. "The general manner in which the agents spoke of the tenants

present conditions are reversed; but market rates of rent are in consequence better established, and the law of rent and rent-recovery has been much improved, first in 1859, and then in 1885.

convinced me that they considered them as subjects to whom they had a right to dictate law, and that this right was an excuse for whatever hardships they might choose to inflict." *

A great deal of what Dr. Hamilton noticed is true at the present day. Of course, prices are much higher. Laborers do not now receive 8 anas a month, besides food and clothing; and tenants have better legal security for a certain and actually reasonable rent. But no law can prevent the people from being preyed on by the landlord's agent and by his harpies of messengers and writers, if public spirit does not enable them to resist. The levy of extra charges and fines is rigidly prohibited by law, but no law can be operative if the people themselves do not unite in refusing to pay such exactions. In the eastern districts, where there are no great landholders, the tenants have rather the upper hand. In the central districts, and especially northward in the Bihar districts, it is otherwise. The Tenant Law of 1885 did a great deal for the people; but the real (final) remedy is a proper survey and a record of all rights and interests in land by area, with reference to a cadastral map. This it is the interest of bad landlords to resist. It is, moreover, easy to stir up the ignorant tenants themselves in supposed opposition to it; for in former days "measurement" was always used *against* them, and they are easily taught by interested agitators to believe that it will be so now.

The landlord class has for many years enjoyed in Bengal a special privilege of contributing to the State less — by something like two-thirds — than landholders

* Dr. Hamilton believed that a very common way of injury was the widespread practice of giving receipts for less than was really paid. He thinks this and the practice of suing for more than is due is very bad. He remarks that such acts could (under the then existing law) be punished only with a money penalty. He is of opinion that it ought, when proved, to be punished with "transportation beyond the seas for some years, accompanied, of course, with loss of caste."

in other provinces contribute; and, although no one would deprive them of this guaranteed exemption, they must not be allowed to forget that in granting the privilege government expressly reserved the right to protect all classes and to enact laws for the purpose of securing the raiyats. That, of course, includes the levy of a rate to meet expenditure necessarily and directly incurred in effecting the protection. There is no reason in equity why the land-owners should not contribute fairly to the expenses of a survey by which they themselves will in the end benefit,—at least, all honest and well-intentioned proprietors will benefit; and those alone have any claim on our sympathies. In fact, if it were not for the general ignorance which prevails on the subject, and the persistent misrepresentations of a class who vaguely fear the burden of a temporary charge, and also, not improbably, fear that their own dealings will not bear the light, it would be regarded as incredible that a complicated system of tenancies and other interests should exist year after year, the population increasing, and subdivision of interests going on apace, and yet that no cadastral survey should have been made, and no map or record be available by aid of which any holding can be traced on the ground. Such a record, it is needless to say, exists in *all* other provinces under the British government in India.

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